

## REMARKS

The following remarks are provided in response to the Office Action dated November 21, 2003 in which the Examiner:

- rejected claims 1-2, 4, and 6-16 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,838,223 to Lee et al. (hereinafter Lee) in view of United States Patent No. 3,902,017 to Steward and United States Patent No. 5,086,59 to Perry; and
- rejected claim 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over by United States Patent No. 3,838,223 to Lee et al. (hereinafter Lee) in view of United States Patent No. 3,902,017 to Steward, United States Patent No. 5,086,59 to Perry, and United States Patent No. 5,247,573 to Reichelt.

The applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully requests that the Examiner withdraw all rejections.

### **35 U.S.C. §103(a)**

The Examiner rejected claims 1-2, 4, and 6-16 under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Steward and Perry. For at least the foregoing reasons the applicant traverses the Examiner's rejection.

A *prima facie* case of obviousness under 35 U.S.C. §103 requires, among other criteria, that “. . . the prior art reference (or references when combined) must teach or suggest **all** the claim limitations.” (emphasis added) (See M.P.E.P. 706.02(j) and 2143.03). To overcome a §103(a) rejection, the applicant must only demonstrate that the

cited prior art document or documents fail individually and in combination to teach or suggest one element or limitation present in the claim.

The salient portion of currently amended independent claim 1 recites:

. . . **a latch to capture a reversal of polarity of said voltage.**  
(emphasis added)

Currently amended independent claim 6 is a method claim and recites a similar limitation. Currently amended independent claim 9 is an apparatus claim and recites a similar limitation.

The Examiner agrees with the applicant's previously submitted argument that Lee and Steward in combination fail to teach a latch for capturing a reversal of polarity. The Examiner instead relies on Perry to teach a thyristor operable as a latching device for capturing a reversal of polarity. The applicant asserts that a thyristor is a semiconductor switch with "on" and "off" states, may be uni-directional or bi-directional, and may be a triggered three-terminal device (a controlled rectifier), or a two-terminal device (diode). A latch is a simple memory element that, depending on type, can hold its current state, reset the state to zero, or set the state to one. A thyristor may not require a gate current once it is in an "on" state to remain in the "on" state; however, the thyristor turns "off" once the current through the device falls below a critical holding current. For at least this reason, the applicant confirms that a thyristor does not operate as a latch.

With reference to Perry, the applicant respectfully asserts that the explanation of the thyristor is provided with respect to solid-state switch 210. More specifically, column 8, lines 21-62 describe that solid-state switch 210 can be "a wide variety of different voltage or current controlled solid state devices," including a bipolar transistor (line 35) or a field effect transistor (line 41). However, line 48 indicates that ". . . **switch 210**

**should not be implemented using a thyristor. . .**” (emphasis added). Lines 57-62, on which the Examiner relies, indicate that if used a thyristor would have to be “triggered on” to accommodate the loop current, and that a thyristor would “disadvantageously complicate the gating circuitry of the thyristor and increase the expense of circuit 30.”

Accordingly, the applicant respectfully asserts that not only does Perry not disclose the thyristor operating as anything other than a switch, but also that Perry teaches away from using a thyristor altogether. As such, the applicant respectfully points out that “[i]t is improper to combine references where the references teach away from the combination.” (See M.P.E.P. §2145(X)(D)(2) citing In re Graselli, 218 U.S.P.Q. (BNA) 769, 779 (Fed. Cir. 1983)). The applicant therefore respectfully affirms that the Examiner has failed to establish a *prima facie* case of obviousness and requests that the Examiner allow currently amended independent claims 1, 6, and 9. The applicant further requests that the Examiner allow dependent claims 2-5, 7-8, and 9-16 as each depends on a patentable independent claim.

### CONCLUSION

For at least the foregoing reasons, the applicant submits that he has overcome the Examiner's rejections and that he has the right to claim the invention as set forth in the listed claims. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

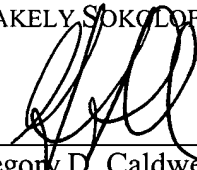
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Respectfully submitted,

BLAKELY, SOKOLOFF TAYLOR & ZAFMAN, L.L.P.

Dated

2/23/04

  
Gregory D. Caldwell  
Reg. No. 39,926

12400 Wilshire Boulevard  
Los Angeles, California 90025  
(503) 684-6200


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